

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|--|---|------------------------|
| CHRISTOPHER META, on behalf of himself |) | CASE NO. 4:14-CV-0832 |
| and all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | JUDGE DONALD C. NUGENT |
| |) | |
| vs. |) | |
| |) | |
| TARGET CORPORATION, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

**REPLY TO MOTION TO MODIFY BOND TO SECURE PAYMENT
OF COSTS AND ATTORNEYS' FEES ON APPEAL
(FED. R. APP. P. 7)**

Objector Erich Neumann's Opposition to Motion to Modify Appeal Bond (ECF No. 198) fails to raise any arguments related to modification of the bond based on Sheila Ference's abandonment of her appeal.

The Court has already ruled that Neumann has an obligation to post a bond in this case. Plaintiff's Motion to Modify Appeal Bond (ECF No. 197, "Motion") merely requests that the Court modify Neumann's obligation due to the abandonment of an appeal by his fellow objector. Instead of addressing whether modification is improper based on the new posture of the appeals, Neumann merely reiterates his prior contention that a bond is altogether improper.¹ *Id.* at PageID #: 9419. That argument is irrelevant to this Motion.

Neumann also requests that the Court stay the bond requirement. *Id.* Neumann has already moved to reconsider the bond requirement on the theory that any bond against him is improper. *See*

¹ In so doing, Neumann incorporates prior arguments he has made on the topic. So, Plaintiff hereby incorporates all of its prior arguments as to the merits of an appeal bond.

ECF No. 190. The Court denied Neumann's motion. *See* ECF No. 191. Thus, any argument that the bond is improper is merely an improper second attempt at reconsideration.

Indeed, Neumann's response overlooks the critical issue in this Motion: he is the only individual maintaining an appeal for which this Court estimated costs to be \$80,000. As the only person appealing in a case in which the Court has ordered an appeal bond, Neumann should be required to cover the entire \$80,000. Therefore, the Court should modify its prior order and require Neumann to post \$80,000 in bond.

To date, Neumann has not paid the \$40,000 the Court previously ordered him to pay. A motion to dismiss his appeal for failure to pay bond remains pending before the Sixth Circuit. *See* Doc. 24 in No. 18-3840 (6th Cir.).

Dated: November 7, 2018

/s/ Stuart E. Scott

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CERTIFICATE OF SERVICE

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. A true and correct copy of the foregoing was served electronically on Defendants' counsel of record. Copies will be served on Objectors' counsel by electronic mail and/or U.S. Mail.

/s/ Stuart Scott

Stuart E. Scott